

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, May 7, 2004
(9:30 am - 12:30 and 1:30 - 4:45 pm)

Saturday, May 8, 2004
(9:00 am - 4:30 pm)

San Francisco—State Bar Office
180 Howard Street, Room 8-B
San Francisco, CA 94105
(415) 538-2167

[NOTE RE MEETING SITE: For members of the public, the open session of this meeting also can be accessed by video-conference from the State Bar Office in Los Angeles at 1149 South Hill Street, Room 723. Members of the public who wish to attend this meeting at either site are asked to call Audrey Hollins at 415-538-2167.]

I. APPROVAL OF OPEN SESSION ACTION SUMMARIES FROM THE DECEMBER 12, 2003 and FEBRUARY 20, 2004 MEETINGS

(Draft action summaries for the December 12, 2003 and February 20, 2004 meetings to follow.)

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

- C. **Report on Proposed New Rule 3-100 (Confidential Information of a Client) Developed by the State Bar AB 1101 Advisory Task Force** (Mr. Mohr, Mr. Tuft and staff will provide an oral report on proposed new rule 3-100.) (Materials enclosed.) **[pages 1 – 28]**

III. **MATTERS FOR ACTION** (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*George,
Julien,
Ruvolo

- A. **Consideration of Rule 1-400. Advertising and Solicitation**
[anticipated 2-hour discussion]
(Materials enclosed.) **[pages 29 – 82]**

*Peck,
Martinez,
Melchior,
Mohr

- B. **Consideration of a “Practice of Law” Definition**
[anticipated 2-hour discussion]
(Matter carried over from December 12, 2003 and February 20, 2004 meetings. **NOTE:** Refer to pages 13 - 80 circulated with the February 20, 2004 meeting agenda.)

*Ruvolo,
Mohr

- C. **Consideration of Rule 1-710**
[anticipated 1-hour discussion]
(Materials enclosed.) **[pages 83 – 84]**

*Tuft
Betzner,
Martinez,
Peck

- D. **Consideration of Rules: 1-300 (Unauthorized Practice of Law); 1-310 (Forming a Partnership With a Non-Lawyer); 1-320 (Financial Arrangements With Non-Lawyers); and 1-600 (Legal Service Programs)** [anticipated 2-hour discussion]
(Materials enclosed.) **[pages 85 – 92]**

*Melchior,
Foy,
Lamport,
Voogd,
Mohr

- E. Consideration of Rule 3-600. Organization as Client**
[anticipated 2-hour discussion]
(Materials enclosed.) **[pages 93 – 108]**

Foy,
Sapiro

- F. Consideration of Rule 1-500. Agreements Restricting a Member's Practice**
[anticipated 1/2-hour discussion]
(Co-drafters to circulate materials by e-mail prior to meeting.)

*Voogd,
Peck

- G. Consideration of Proposed New Rule re "Recording Time"**
[anticipated 1/2-hour discussion]
(Materials enclosed.) **[pages 109 – 128]**

*Martinez,
Betzner,
Voogd

- H. Consideration of Rule 2-100. Communication With a Represented Party**
[anticipated 2-hour discussion]
(Staff prepared background materials enclosed. Co-drafters to circulate materials by e-mail prior to meeting.) **[pages 129 – 144]**

*Lamport,
Julien,
Vapnek

- I. Consideration of Rule 2-200. Financial Arrangements Among Lawyers**
[anticipated 1-hour discussion]
(Staff prepared background materials enclosed. Co-drafters to circulate materials by e-mail prior to meeting.) **[pages 145 – 154]**

*Sondheim

- J. Consideration of Rule 1-120X. New Rule Proposal Arising from Discussion of Rule 1-120 re Incorporating Case Law and B&P Code Provisions** [anticipated ½ hour discussion]
(Materials to be provided by e-mail prior to meeting.)

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

CLOSED SESSION AGENDA*

Friday, May 7, 2004
(4:55 pm - 5:00 pm)

San Francisco—State Bar Office
180 Howard Street, Room 8-B
San Francisco, CA 94105
(415) 538-2167

- I. **APPROVAL OF CLOSED SESSION SUMMARIES FROM THE THE DECEMBER 12, 2003 and FEBRUARY 20, 2004 MEETINGS**
(Draft action summaries for the December 12, 2003 and February 20, 2004 meetings to follow.)

- II. **ADVICE OF COUNSEL ON OPEN SESSION AGENDA ITEMS**

- III. **ACTION ITEMS.**
 - A. **Emergency action items, if any.**

* Closed pursuant to Article 3, Section 2, Subdivision (b), Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors.